

Statement by Representative Edward J. Markey (D-MA)
"House Floor Debate on Hostettler Amendment to H.R. 10, "9/11 Commission
Recommendations Implementation Act"
October 8, 2004

Mr. Chairman, I rise in strong opposition to the Hostettler amendment.

The Hostettler amendment amends the ill-considered and counter-productive torture provisions in H.R. 10 in a way that still allows certain foreigners to be subjected to torture.

How does it do this? The Hostettler amendment gives the Secretary of Homeland Security the power to detain certain foreigners that, "in the Secretary's unreviewable discretion," the Secretary has determined to be "a specially dangerous alien" that "should be detained until removed." Such persons would be held behind bars indefinitely, with no recourse to a court or other independent fact finder empowered to review the basis for the Secretary's decision. Any foreign person that the Secretary of Homeland Security decides is "specially dangerous" can just be locked up forever with no trial or deported.

The Hostettler amendment stipulates that the "Secretary of State shall seek diplomatic assurances that such alien shall be protected if removed from the United States." That means the State Department is supposed to seek diplomatic assurances from a country that it won't torture somebody, after a U.S. judge already has found that this country likely would, in fact, torture that person.

Are we really going to trust the assurances of some of the countries that OUR OWN STATE DEPARTMENT SAYS TORTURE DETAINEES?

Mr. Chairman, we really should call this the "In Syria We Trust" amendment. Or perhaps the "In Sudan We Trust" amendment?

The assurances that these countries have provided that they wouldn't torture have proved to be unreliable in practice.

In 2002, Maher Arar [MA HER AH RAR], a Syrian-born Canadian citizen was intercepted at New York's JFK Airport and deported to Syria, where he was detained and reportedly tortured. The Washington Post has reported that while Syria provided "diplomatic assurances" that Arar would not be mistreated, these assurances proved worthless. Maher Arar [MA HER AH RAR] was tortured anyway.

America should not be outsourcing torture to countries like Syria or Sudan?

America should not be relying on "diplomatic assurances" from countries that we already know practice torture, particularly when a U.S. judge has already found it is more likely than not that the person would be tortured if they were sent there.

I urge a NO vote on the Hostettler amendment.